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3/21/01

Docket No.: 515-4167

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT OPERATIONS

In re Application of:

Raffaello Giorgi et al.

Serial No.: 09/355,210

Filed: July 12, 2000

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Group Art Unit: 1653

Examiner: Lukton, D.

For: MONOCYCLIC COMPOUNDS WITH FOUR BIFUNCTIONAL RESIDUES  
HAVING NK-2 ANTAGONIST ACTION

New York, NY 10036  
March 13, 2001

Commissioner for Patents  
Washington, DC 20231

RESPONSE TO OFFICE ACTION

Sir:

In response to the restriction requirement, the applicant elects, with traverse, Group I.

The present application is a national stage application of a PCT application. Under the rules, the Examiner has no authority under, 35 U.S.C. §121, to require restriction of the claims in an application filed under 35 U.S.C. §371.

The only issue concerning multiple inventions that may arise in the present case is whether or not there is unity of invention under 37 CFR §1.475. The provisions of §1.475 are discussed in MPEP §1893.03(d) which reminds the Examiner that he must point out the absence of no single general inventive concept in order to require restriction. Under the provisions of 37 CFR §1.475(b)(3), it is pointed out that there is unity of invention where a product, process for making the product and a use of the process are claimed in the same application.

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Since the claims of the present application have been restricted contrary to §1.475, it is requested that the requirement be withdrawn and an action be given on all claims.

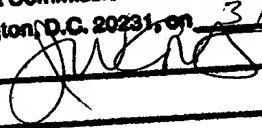
An early and favorable action is earnestly solicited.

Respectfully submitted,

  
James V. Costigan  
Registration No. 25,669

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents,  
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